

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE

PUBLIC MINUTES
December 15, 2011

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 110 A, Denver, Colorado 80202 at 8:40 a.m. by Richard Leone, DVM, President.

Board Members Present

Richard Leone, DVM, President
Joni Edwards, DVM, Vice-President
Kim Stone, DVM, Secretary
Michael Gotchey, DVM
Stacy Worthington, Public Member

Board Members Absent

Kristin Woestehoff, DVM

Staff

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Paul S. Wilson, Program Specialist
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
Kevin Huff, Office of Investigations
Melissa Garner, Office of Expedited Settlement

II. REPORTS

- Report from the Program Director, Maulid Miskell

Mr. Miskell recognized Dr. Michael Gotchey for his continued service to the Board pending the Governor's appointment of a replacement. In addition, he advised that a new public member of the Board will be appointed to fill that vacant position and that Dr. Kim Stone is expected to be reappointed to a second four-year term. He also announced the retirement of Division of Registrations' Director, Rose McCool, and the promotion of former Compliance Monitor for the Board, Abigail Gaskins, to Healthcare Professions Profile Manager for the Division. He said the legislative outreach activities related to the revised Veterinary Practice Act included 111 participants in a Webinar and 5 persons attending a seminar. He advised that the Rules adopted after the Rulemaking Hearing on November 3, 2011 are scheduled to become effective December 30, 2011. The next set of Board meeting materials, he announced, would be delivered to Board members in PDF form only.

III. CONTINUING EDUCATION

- Continuing Education – Kim Stone, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Stone. A motion was made, seconded, and carried to approve all continuing education requests as submitted.

IV. OPEN FORUM

Ralph Johnson expressed holiday greetings to the Board on behalf of the CVMA. Wendy Grillo was introduced as the new Executive Director of the CACVT.

V. NEW BUSINESS

- **Memorandum regarding revised schedule for 2012 Board meetings**
Board accepted.
- **Memorandum regarding schedule for 2012 AAVSB Convention**
Dr. Joni Edwards volunteered to serve as delegate and Dr. Leone offered to serve as alternate delegate.
- **Memorandum regarding CSU presentation April 24, 2012**
Board noted. Ms. Worthington and Drs. Edwards and Stone volunteered to make a presentation on behalf of the Board, accompanied by Mo Miskell.

VI. LICENSING

- **Memorandum regarding newly licensed Veterinarians. (Consent Item)**
A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

VII. REPORT OF INVESTIGATIONS

Mike Hasty, UNL and Coni Fisher, UNL Cases #2012-000317 and 2012-000318
After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss both cases as being without merit.

VIII. INITIAL REVIEW

AGENDA ITEM # 1 Linda Messinger, DVM # 6063 Case #2012-001267
After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 2 Lisa Carroll, DVM # 6786 Case #2012-001142
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 3 Rebecca Anderson, DVM # 8165 Case #2012-001143
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 4 Joyce Clark, DVM # 7912 Case #2012-001144
After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 5 Margaret O'Rourke, DVM # 5736 Case #2012-001145

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 6 James Ziegler, DVM # 6922 Case #2012-001158

Ms. Worthington recused herself from the discussion and the vote, and exited the room. After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM # 7 Donald Kerrihard, DVM # 6001 Case #2012-001159

Ms. Worthington recused herself from the discussion and the vote, and exited the room. After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM # 8 Eugene Clothier, DVM # 2046 Case #2012-001156

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to refer this case to the Office of Investigations for further investigation.

AGENDA ITEM # 9 Victoria Brovont, DVM # 9256 Case #2012-001148

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 10 Allen Cloutier, DVM # 6873 Case #2012-001149

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 11 Steven Roberts, DVM # 3237 Case #2012-001140

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending receipt of additional information.

AGENDA ITEM # 12 Lorraine Parris, DVM # 6705 Case #2012-001152

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM # 13 Jeffrey Mullen, DVM # 3596 Case #2012-001157

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM # 14 Steven Petersen, DVM # 4733 Case #2012-001147

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM # 15 Susan Tasillo, DVM # 8009 Case #2012-001162

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

IX. UNFINISHED BUSINESS

Douglas Ikeler, DVM # 4942, Revoked Case #2010-004378

After careful consideration of the information provided, a motion was made, seconded and carried to dismiss the case, with authority delegated to staff to set disposition code to accurately reflect case history.

X. STIPULATIONS

- Compliance Monitor Abigail Gaskins informed the Board of an online continuing education module in veterinary law and ethics.

- Open Stipulations Report

November 21, 2011

Board noted. A motion was made, seconded and carried to grant closure for case 2007-000472, James Hathaway, DVM.

- Lee Bregitzer, DVM # 2082

Case # 2009-001760 – Memo # 1

A motion was made, seconded and carried to accept report # 11.

- Lee Bregitzer, DVM # 2082

Case # 2009-001760 – Memo # 2

A motion was made, seconded and carried to accept report # 12. A motion was made seconded and carried to accept his request to reduce the frequency of his practice monitor reports from monthly to quarterly.

- Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo # 1

A motion was made, seconded and carried to table consideration of report # 11 pending further information from the practice monitor.

- Mark Cochran, DVM # 3252

Case # 2010-002365 – Memo # 2

A motion was made, seconded and carried to table consideration of report # 12 pending further information from the practice monitor.

- David McCluggage, DVM # 3648

Case # 2011-000133

A motion was made, seconded and carried to accept the rewritten records and grant closure for this case.

XI. ADJOURNMENT FROM OPEN SESSION

Richard Leone, DVM, Board President, called for a motion December 15, 2011 at 11:33 a.m. that the State Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on

specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- ☐ The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session, specifically:
 - Case No. 2012-000142 Lisa Carroll
 - Case No. 2012-001143 Rebecca Anderson
 - Case No. 2012-001144 Joyce Clark
 - Case No. 2012-001156 Eugene Clothier
 - Case No. 2012-001148 Victoria Brovant
 - Case No. 2012-001149 Allen Cloutier
 - Case No. 2012-001152 Lorraine Parrish
 - Case No. 2011-001147 Steven Petersen
- ☐ Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, specifically:
 - Case No. 2012-004059 Peggy Cruder
 - Case No. 2011-001968 Douglas Ikeler
 - Case No. 2011-000295 and 2011-001847 Merilee Laas
 - Case No. 2011-003589 Linda Yates

XII. ADJOURNMENT FROM EXECUTIVE SESSION

Open Session of the meeting for the State Board of Veterinary Medicine adjourned at 11:33 a.m. The Board then entered into Executive Session at 11:33 a.m. and reconvened in Open Session at 12:36 p.m.

Upon returning to Open Session, a motion was made carried and seconded to rescind and dismiss case # 2011-004059, Peggy Cruder, unlicensed.

XIII. ADJOURNMENT FROM OPEN SESSION

The final meeting adjournment was at 12:38 p.m. The Board will reconvene on Thursday, February 9, 2012, at One Civic Center Plaza, Conference Room 1250 C, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board President, I attest that the Executive Session of the State Board of Veterinary Medicine meeting held on December 15, 2011 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by Richard J. Lemon 2/15/12
Board President Date